

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

MICHAEL MATTOX

§

VS.

§

CIVIL ACTION NO. 1:17cv3

ROBERT CHOATE

§

ORDER PARTIALLY ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Plaintiff Robert Choate, proceeding *pro se*, filed the above-styled civil rights lawsuit against Robert Choate, the former district attorney of Newton County, Texas. Plaintiff complained that the defendant improperly withheld an investigator's report and sought money damages.

The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the case be dismissed. The magistrate judge's recommendation was based on the magistrate judge's conclusion that the defendant was entitled to absolute prosecutorial immunity from a claim for money damages.

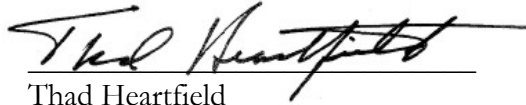
Plaintiff did not file objections to the Report and Recommendation. However, he did file a motion (doc. no. 6) seeking leave to amend the relief sought in this lawsuit. Plaintiff states he is no longer seeking monetary damages, but simply a court order directing the defendant to provide him with a copy of the investigators' report. Plaintiff's motion to amend is **GRANTED**.

As plaintiff is no longer seeking money damages in this lawsuit, the defendant is no longer entitled to absolute prosecutorial immunity. However, plaintiff has failed to demonstrate that at this point in time he has a constitutional right to receive a copy of the investigator's report. As a result, plaintiff has failed to state a claim upon which relief may be granted and this lawsuit will be dismissed.

ORDER

Accordingly, the Report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal of this lawsuit. An appropriate final judgment shall be entered.

**SIGNED** this the 26 day of **April, 2017**.

  
Thad Heartfield  
United States District Judge